

Sixth Appellate District

San Jose, California

MONDAY, SEPTEMBER 27, 2004

H026050 PEOPLE v. ABACHERLI

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed September 27, 2004

TUESDAY, SEPTEMBER 28, 2004

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Mihara, J.; and W. Magsaysay, Deputy Clerk.

H027299 IN RE KAMAL G. A MINOR

Cause called and argued by Catherine F. Campbell appearing for Appellant, by Susan Ware, Deputy County Counsel, appearing for Respondent Department of Family and Children's Services and by Robert J. Masterson, Deputy District Attorney, appearing for Respondent Minor. Cause ordered submitted. Thereafter, Premo, J. leaves the bench and Elia, J. takes the bench.

H026507 PEOPLE v. LAWRENCE

Cause called and argued by Alex Green appearing for Appellant and by Bruce Ortega, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H026798 MARRIAGE OF BEREZNAK AND HEMINGER

Cause called and argued by appellant Bradley Berezna, appearing in propria persona, and by respondent Susan Heminger, appearing in propria persona. Cause ordered submitted. Court adjourns.

H026208 FORTE v. LICHTENEGGER

The request for publication of the opinion filed in the above entitled action by Rushing, P.J. on August 30, 2004, is denied. The opinion does not establish a new rule of law, nor does it meet any of the other criteria set forth in California Rules of Court, rule 976(b).

In compliance with California Rules of Court, rule 978, the Clerk shall transmit the request for publication and a copy of this order to the Supreme Court.

(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed September 28, 2004

Sixth Appellate District

San Jose, California

Tuesday, September 28, 2004 (continued)

H026384 PEOPLE v. ESMAY

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed September 28, 2004

H027207 PEOPLE v. DELBENE

The judgment is affirmed. (not published)
(McAdams, J.; We concur: Rushing, P.J., Walsh, J.*)
Filed September 28, 2004
(*Judge of the Santa Clara County Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

H025817 CLIFFORD v. PECK

(Filed order modifying opinion.) There is no change in judgment. (not published)
(Premo, J.; Rushing, P.J.; Elia, J.)

Filed September 28, 2004

WEDNESDAY, SEPTEMBER 29, 2004

H026587 PEOPLE v. YBARRA

The judgment is modified to reflect that the conviction for count two is a felony and the sentence for count two is a concurrent 25-year-to-life term. As so modified, the judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Bamattre-Manoukian, J., Walsh, J.*)

Filed September 29, 2004

(*Judge of the Santa Clara County Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

H025929 BRANDSTETTER, et al. v. TSE, et al.

The judgment is affirmed. (not published)
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed September 29, 2004

H025734 PEOPLE v. GARCIA

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Mihara, J.)

Filed September 29, 2004

Sixth Appellate District

San Jose, California

Wednesday, September 29, 2004 (continued)

H026350 PEOPLE v. VERA

The judgment is affirmed. (published)
(Walsh, J.*; We concur: Rushing, P.J., Premo, J.)
Filed September 29, 2004
(*Judge of the Santa Clara County Superior Court assigned by the
Chief Justice pursuant to article VI, section 6 of the California
Constitution.)

H026358 PEOPLE v. GHOLSTON

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed September 29, 2004

H026067 PEOPLE v. HEIDINGER

The judgment is reversed. The case is remanded to the trial
court for the limited purpose of resentencing. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed September 29, 2004

H026591 PEOPLE v. BAILEY

The judgment is reversed. The matter is remanded to the
trial court with instructions to vacate its previous order that
directed defendant to pay \$2,500 in attorney's fees and to
conduct further proceedings to determine defendant's ability to
pay pursuant to Penal Code section 987.8. The court may impose a
new order to pay attorney fees if it determines that defendant
has the ability to pay. The remainder of the judgment is
unaffected by this decision. (not published)
(Premo, J.; We concur: Rushing, P.J., Mihara, J.)
Filed September 29, 2004

THURSDAY, SEPTEMBER 30, 2004

H027000 PEOPLE v. ANGELOPOULOS

The judgment is affirmed. (not published)
(McAdams, J.; We concur: Rushing, P.J., Walsh, J.*)
Filed September 30, 2004
(*Judge of the Santa Clara County Superior Court assigned by the
Chief Justice pursuant to article VI, section 6 of the California
Constitution.)

Sixth Appellate District

San Jose, California

Thursday, September 30, 2004 (continued)

H027432 PEOPLE v. ABRAHAM V.

The judgment is affirmed as modified. (not published)
(McAdams, J.; We concur: Rushing, P.J., Walsh, J.*)
Filed September 30, 2004

(*Judge of the Santa Clara County Superior Court assigned by the
Chief Justice pursuant to article VI, section 6 of the California
Constitution.)

H026702 PEOPLE v. NORRIS

The judgment is affirmed. (not published)
(McAdams, J.; We concur: Elia, Acting P.J., Bamattre-Manoukian,
J.)
Filed September 30, 2004

H025678 PEOPLE v. LAMMERS

By the Court:

Upon the court's own motion, the submission order in the
above-entitled matter dated September 13, 2004, is hereby
vacated. The cause is resubmitted.

Dated: September 30, 2004 Rushing, P.J.

H026443 ARCHITECTURAL HERITAGE ASSOCIATION, et al. v. COUNTY OF
MONTEREY, et al.

Pursuant to California Rules of Court, rule 976, subdivision
(b), the request for publication is granted. The petition for
rehearing is denied.

(Filed order modifying opinion.) There is no change in the
judgment. (published)
(McAdams, J.; Bamattre-Manoukian, Acting P.J.; Mihara, J.)
Filed September 30, 2004

H026267 PEOPLE v. BANKS

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Bamattre-Manoukian, J., Walsh, J.*)
Filed September 30, 2004
(*Judge of the Santa Clara Superior Court assigned by the Chief
Justice pursuant to article VI, section 6 of the California
Constitution.)

Sixth Appellate District

San Jose, California

FRIDAY, OCTOBER 1, 2004

H025873 PEOPLE v. VY

The order directing defendant to pay \$5,000 in attorney fees pursuant to section 987.8 is hereby stricken. The trial court is directed to prepare an amended abstract of judgment and forward a certified copy of the amended abstract to the Department of Corrections. As modified, the judgment is affirmed. (partial publication)

(Walsh, J.*; We concur: Rushing, P.J., Premo, J.)

Filed October 1, 2004

(*Judge of the Santa Clara Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

H026182 NWOSU v. UBA

The judgment is affirmed. (published)

(Walsh, J.*; We concur: Rushing, P.J., McAdams, J.)

Filed October 1, 2004

(*Judge of the Santa Clara Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

H025751 PEOPLE v. COSTELLA

The judgment is affirmed. (not published)

(Walsh, J.*; We concur: Rushing, P.J., Premo, J.)

Filed October 1, 2004

(*Judge of the Santa Clara Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)